



DATE:	January 18, 2013
APPROVED BY:	Russell Schaedlich, Secretary

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
December 18, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Zondag, and Mmes. Hausch. Legal Counsel present: Asst. Prosecutor John Horacek. Staff present: Mr. Radachy, and Ms. Myers.

MINUTES

Mr. Schaedlich moved to accept the November 27, 2012 minutes as submitted and Mr. Siegel seconded the motion.

Seven voted "Aye".

Ms. Pesec came in at 5:03p.m.

FINANCIAL REPORT

Mr. Schaedlich moved and Mr. Seigel seconded the motion to accept the November 2012 Financial Report.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Assistant Prosecutor Josh Horacek said there was no legal report.

DIRECTOR'S REPORT

Mr. Radachy said the staff has been actively working on the following:

- He is a part of a General Health District committee that has decided to delay working on a trail application they intended to apply for this year to explore the possibility of applying for a grant in 2013 from NOACA to do a plan in 2014 that would make it easier to apply for trail grants in the future
- Staff will be sitting on a committee to help Concord Township with sign regulations. The revisions will be handled by D.B. Hartt.
- The offices will be closed on Christmas Eve, Christmas Day and New Years Day.

ANNOUNCEMENT

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Summerwood Subdivision, Phase 4, Subdivision Status Concord Township – Summerwood Subdivision, Phase 4, Final Plat Extension

Mr. Radachy stated Summerwood Subdivision, Phase 4 is in Concord Township and its developer has requested a Final Plat extension. The Planning Commission had given a four-month extension on this subdivision phase at the August 28, 2012 meeting and requested a report on the status of that Subdivision.

The Chair called the Engineer, Mr. Joe Gutoskey or the Developer, Mr. Tom Reibe to the podium to make this report.

Mr. Gutoskey stated they were looking for an extension until the end of June 2013. They were working on revisions to the plans and hoping to get approvals next month. They will need to wait until the ground thaws before further work could commence.

Mr. Reibe said there was basically no money available from banks for subdivisions in the last four or five years. They would have to be putting this in without a surety. They were here at the request of the Planning Commission. He could not understand why they had to do this and only received a four-month extension when Mr. Fine did not at his Subdivision.

Mr. Radachy said this group gave the Developer of Mountainside Farms, Phase 4 until June 30, 2013. He had started construction and the road and all the undergrounds were in place already. The only difference between the two subdivisions is that the Improvement Plans for Mr. Fine's Subdivision were already approved by the Commissioners so they could start construction any time. This Board also granted an extension to Summerwood, Phase 3 of one year and those Improvement Plans have not been accepted by the Commission either.

The following are the proposed Final Plat extension comments received from the reviewing agencies:

1. The proposed Final Plat extension for Summerwood Phase 4 does not have any deficiencies with our standards or regulations. *County Engineer*
2. Our only concern is that a drainage easement along with the appropriate drainage appurtenances will be required to handle runoff along the rear of sublots 109-116. *County Engineer*
3. Lake County Engineer has not received a current set of Improvement Plans. *County Engineer*
4. All phases and detailed construction plans shall be subject to the Lake County Department of Utilities approval process. *Utilities*
5. Defer to the Planning Commission. *Concord Twp. Trustees*
6. Has not received an updated set of Improvement Plans. *LCSWCD*
7. Concord Township Fire Department has not received any revised Improvement Plans. *Concord Twp. Fire Dept.*

Other Comments:

1. This Subdivision's Final Plat received extensions in 2010 and 2011. It received a four-month extension in August, 2012. *LCPCD Staff*
2. If the Final Plat approval is not extended, the Developer will be required to resubmit the Final Plat with an application and fee of \$1,000.00. If the resubmitted Final Plat is approved, the approval will be in place for two years. *LCPCD Staff*
3. Concord Township Fire Department's concerns are resubmitted comments from the original review from August, 2008. They were addressed at that time. *Concord Twp. Fire Dept.*

Mr. Radachy continued that staff received comments from the County Engineer, Sanitary Engineer, the Township Trustees, Lake County Soil & Water Conservation District and the Concord Fire Department. The County Engineer does have an issue on a drainage easement along the rear of sublots 109-116 and none of the agencies have received revised Improvement Plans.

This Subdivision's Final Plat received extensions in 2010 and 2011 and the four-month extension in August 2012. If the plat is not extended, the Developer will be required to resubmit the Final Plat with an application and fee of \$1,000.00. If the resubmitted Final Plat is approved, the approval will be in place for two years.

Mr. Brotzman asked if there was something that was required of the Developer to do between August and December and Mr. Radachy thought the Commission members wanted to ensure that the Developer would follow this project through to completion.

Mr. Zondag discussed the concern of the Commission in the past about not giving out extension after extension. They had been talking of a two-year maximum on extensions.

Mr. Radachy replied that is one of the changes in the Subdivision Regulations, but they have not been finalized yet.

Mr. Zondag asked what has held up the revised Improvement Plans. Mr. Radachy thought that the economy has gone bad since 2008 and the Developer did not want to put the money into having the Engineer work on them until they were ready for actually work to begin.

Mr. Pegoraro understood that these are unusual economic times and under the circumstances it is hard to hold fast to a rule to make life easier for the staff. The developers could not even get financing for a development today. If the developer went ahead with the underground, he would be doing that out of his own pocket. These are some extremely unusual circumstances and we should anticipate, until the economy straightens out, that we will see this.

Mr. Reibe stated the front end of the Subdivision was sold out. He asked for understanding of this economic situation, which is countrywide. No money is available for subdivisions at the banks and cash must be used for any improvements at this time. He stated phase 4 will be developed before phase 3.

Ms. Pesec asked why nothing has been done since August on the Development and Mr. Reibe answered for financial and economic reasons. They were hoping to get things done before the end of the year, but it was just not going to happen.

Ms. Pesec stated the reason why extensions are given in general is because things were not moving. The reason not to give extensions again and again is to make sure that a subdivision applies to the latest version of the Subdivision Regulations. As long as we continue to give extensions, they get grandfathered in and do not need to commit to the Regulation changes. Furthermore, we do not have extensions because it is less work for the staff, but rather to see that everything is applied to the latest Regulations and that they go through the proper approval when they can. She understood that there has been a lot of financial difficulties, but the difference between \$300 and \$1,000 is not that substantially different and it was important that the Commission go back to the general rule that they established of two one-year extensions. It could still be another two or three years before things get better and a small extension is not going to help this situation.

The members asked Mr. Radachy what has changed in the Regulations since the time of approval in 2008 to today. He replied there had not been any design changes. They will still have to meet the County Engineer's and Utilities Standards. Mr. Radachy said the Regulations' changes have not been accepted by the Commissioners yet. The Improvement Plans will only allow 3 one-year extensions. There are changes in bonding requirements. There will be changes concerning who would be responsible to remove a cul-de-sac when it is extended. Some of the changes that were made previously included some design changes where we eliminated standards of the subsurface base and the kind of concrete to be used per the County Engineer's requirement. The right-of-way width is still 60 feet; the cul-de-sac is still 110 feet with a 120 ft ball. There have not been any new bonding issues or the requirement of paying inspection fees to the County Engineer added. We were asked to add these fees to our Regulations to make it easier for them to collect their fees.

Mr. Pegoraro asked if there was language in the extensions like the variances allowing for extenuating circumstances. Mr. Radachy said no. The Final Plat says as read by Mr. Radachy says "any plat not recorded within two years or within any approved extension period approved by the Commission, the approval shall expire". There is no language stating you can provide a hardship when requesting on an extension.

Mr. Siegel asked if there were any other subdivisions out there that had already been approved and was told there were only three: Mountainside Farms, Phase 4, and Summerwood, Phases 3 and 4. These were the only ones that had made extension requests.

Mr. Pegoraro moved to approve the extension of the Final Plat to June 30, 2013 for Summerwood, Phase 4. Mr. Siegel seconded the motion.

Discussion:

Mr. Brotzman addressed the Chair saying that when the approval was made in August 2012, this body included the language to the approval that any changes made to the Subdivision Regulations since the first approval in 2008 would apply. This suited the Board at that time and wanted to know if they could add that to this motion again.

Mr. Pegoraro amended his motion to add the stipulation that any changes made to the Subdivision Regulations since the Final Plat approval in 2008 be incorporated into the Final Plat request for Summerwood Phase 4 and Mr. Siegel seconded the amended motion.

Mr. Zondag said one issue of concern to him was that there was land out there partially developed and there would be more problems when they get into it later. He does not like extension on extension without a certain time period set to finish. Even in extreme times, there has to be a set ending point so we know what we have to deal with. It is too easy to stretch the time out where it really does not help the community in some cases. There will be some subdivision developers who will come in and say we did not give it to them even if their situation is not the right situation for that decision and is different. He would like this group to consider making sure we know what time would be the last time they pass an extension.

Mr. Reibe strongly replied that if they were not serious about putting the Summerwood, Phase 4 in, they would not have paid \$300.00 for the extension. He did not believe the intention of any planning commission was to stop a subdivision just because it did not have any "mojo" going. This has been an active Subdivision going forward. He believed this language is put in place because of some fifteen or twenty-year old subdivisions that were not moving.

Mr. Zondag said the reason for his line of thought was because there have been some law suits in the past because we did not give them an extension that had been given to someone else. Another developer might come in when things get going again some years from now who did not have the morals or the business savy they should have and use this rule to extend some property which results in the same damage as we have in other locations we have now.

Mr. Reibe said he did not know if this was a morals board or a planning commission, but if it is a planning commission, you need to look at the plan. Is it a plan that you are trying to put in or not trying to put in? If it was not, why would he pay \$300.00? He said he tried to do the right thing. If he wanted to make a deal, he could have. He wanted to protect those who had houses built back there.

Mr. Zondag called Question.

Mr. Radachy repeated the motion was to approve the Subdivision with an extension through June 2013 with the stipulation that they adhere to all new standards that have been amended in the

Subdivision Regulations since 2008 to the present, which will probably include the new Regulations the County Commissioners are getting ready to adopt.

Seven voted "Aye".
One was opposed.

Subdivision Activity Report

Mr. Radachy stated construction on Mountainside, Phase 4 has begun. Sanitary, water and stormwater are done. The road has been built to the point that construction traffic can use the road. The pond/dam work will not start until the spring. The Dream House will be in Mountainside, Phase 1 near the new road. The YMCA needs this road completed by next summer. He suspected this road would be done by June 30, 2013.

LAND USE AND ZONING REVIEW

Perry Township Proposed Text Amendments to Sections 302 Creating New Zoning District B-3 and Section 409.08, Signs Permitted in Commercial District

Mr. Radachy introduced the one case submitted this month from Perry Township. They were creating a new zoning district in Section 302, which is the creation of B-3, Planned Commercial District. They are also amending Section 409.08, Signs Permitted in Commercial District allowing B-3 as non-residential signs.

The Land Use and Zoning Committee recommended the text amendment with the following items to be corrected:

- Add B-3 to Section 300.01, Establishment of Districts.
- The B-3 needs to be properly referenced to one of the four choices of Planned Unit Developments authorized by ORC 519.021.
- Establish review procedures that conform to ORC 519.021. If Perry Township chooses to use the district change method, then the change will need to be requested from the land owner and go through two public hearings. The Township may still require the site plan review prior to final approval if they wish. If the Township chooses to use the PUD Overlay District as an option, then they could use a similar review and approval process as the Continuing Care Overlay District.
- Remove all references to exterior materials from the regulations to bring the regulations into compliance with ORC 519.02.
- Designate who is responsible for approving architectural elements per ORC 519.171. That may be an architectural review board, zoning commission or the zoning inspector.
- Set up conditions for the conditional use of gasoline stations.

Mr. Radachy stated this met their Comprehensive Plan and would give them a little more flexibility in designing their planned unit developments also.

Mr. Pegoraro moved these submitted text amendments be recommended to be made by Perry Township to include the corrected items suggested by the Land Use and Zoning Committee. Mr. Morse seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Bylaws Review Committee

The Committee has been meeting about once every two weeks for the last three months. They have reviewed most of the sections of the current Bylaws. Most of the changes made concerned the transition from the Planning Commission staff to the Planning & Community Development Office staff changes. The review and changes are almost complete.

One item the Committee was unable to come to a consensus on was to keep appointments to committees being made by the Chair or to change to another of the four choices available. The Committee requested that the Planning Commission make this decision as a Board. Robert's Rule of Order gives five choices of how to make appointments to committees, which are submitted in the package handed out tonight. Mr. Radachy gave a short explanation of these five methods and asked for direction on this issue.

After considerable discussion concerning past problems with the current system by Ms. Pesec and other members, there was no consensus or decision given on this matter.

Mr. Horacek said it would be acceptable if the Commission wanted to, by resolution, give permission to the Committee. More discussion ensued, and a resolution was not officially made.

Coastal Plan Committee

Mr. Radachy stated the minutes were in the handout this evening.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Brotzman asked if there was any further news on the Kimball Estates issue.

Mr. Horacek replied that he had not been in contact with Mr. Hadden on this matter. He believes Mr. Hadden is still working on the easement issues that have become apparent.

NEW BUSINESS

Nomination Committee

Mr. Radachy said that one item accidentally left off the agenda was to appoint a Nomination Committee to report on those nominated to the offices of Chair, Vice-Chair and Secretary for 2013. Mr. Morse, Mr. Adams and Mr. Zondag were appointed to the Nomination Committee by the Chair.

Resolution for Appreciation for Raymond E. Sines and
Letter of Appreciation for Richard Smith

Mr. Radachy read the letter of appreciation to the members:

Dear Richard,

Thank you for serving on the Planning Commission for these past seven years. It has been a pleasure to work with you. You added considerable insight into the planning process including subdivisions and land use and zoning.

During this time frame you have demonstrated support of planning efforts at all levels of local government. You were always prepared and interested.

Thank you again.

Sincerely,
David J. Radachy
Interim Director

Mr. Pegoraro moved by acclamation on the letter.

Mr. Radachy read the Resolution of Appreciation for Mr. Sines as follows:

Resolution of Appreciation
For
Raymond E. Sines

WHEREAS, Raymond E. Sines has served with distinction as a County Commissioner and a member of the Lake County Planning Commission from February 10, 2003 to December 31, 2012, and during this time frame, his involvement has demonstrated his support of planning efforts at the regional, county, municipal and township levels;

WHEREAS, Raymond E. Sines has shown leadership in the planning field by and through his thoughtful Lake County Planning Commission member appointments, which have helped strengthen this body allowing it to continue to perform its essential task;

WHEREAS, Raymond E. Sines has provided the support to this office enabling it to prepare and maintain Comprehensive Plans for the five townships, and studies of the County's resources both natural and built, including: parks, farmland, shoreline, housing, rails and transportation;

WHEREAS, Raymond E. Sines has supported the Lake County Planning Commission's efforts to keep pace in the field by enabling us to explore the emerging technology of Geographic Information System mapping, to update and enforce Subdivision Regulations, and to attract/retain qualified staff;

NOW, THEREFORE BE IT RESOLVED, in particular, that his contributions to the Planning Commission and his demonstrated concern for the community and its residents, especially the oldest and the youngest, be remembered with deep appreciation and respect, and

BE IT FURTHER RESOLVED, that [Raymond E. Sines](#) be acknowledged for serving with distinction and that this resolution signifies the members' appreciation for his faithful service and their wishes for continued success and happiness in future endeavors.

ADOPTED this 18th day of December 2012.

Geraldine Hausch, Chair

David J. Radachy, Interim Director

Russell Schaedlich, Secretary

Mr. Siegel moved to approve the Resolution of Appreciation for Mr. Raymond E. Sines and Mr. Schaedlich seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved to adjourn the meeting and Mr. Schaedlich seconded the motion.

All voted "Aye".

The meeting adjourned at 7:08 p.m.